

October 2004

Update: Criminal Procedure Monograph 4—Felony Arraignments in District Court (Revised Edition)

Part A—Commentary on Felony Arraignments

4.2 Jurisdiction and Venue

B. Venue

Insert the following case summary before the last paragraph near the bottom of page 3:

Even though the effects of a crime may extend to more than one county, venue is not proper in a county where none of the criminal acts necessary to the commission of the crime occurred. *People v Webb*s, ___ Mich App ___ (2004).

In *Webb*s, the defendant applied for and received a loan from a bank in Wayne County using information belonging to an individual who resided in Grand Traverse County without that individual’s permission. The defendant was charged in Grand Traverse County with one count of larceny by false pretenses. MCL 762.8 permits prosecution of a felony in any county where any one criminal act occurred when the felony offense is made up of more than one criminal act. However, according to *Webb*s, the statute does not make venue proper in a county merely “affected” by the felony:

“Even accepting as true plaintiff’s allegation that James Hardy suffered tangential effects in Grand Traverse County as a result of defendant’s use of Hardy’s personal identity information, those alleged effects are not essential to the charged offense.” *Webb*s, *supra*, ___ Mich App at ___ (footnote omitted).